

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 COME-00 SP-02 AID-05 EB-07 NSC-05

CIEP-01 TRSE-00 SS-15 STR-04 OMB-01 CEA-01 L-03 H-02

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PRS-01 SSO-00 NSCE-00 USIE-00 INRE-00 /074 W

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O 082033Z AUG 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 6261

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EO 11652: NA

TAGS: EINV, EMIN, PFOR, PE, US

SUBJ: MARCONA EXPROPRIATION - GOP EXPRESSES WILLINGNESS

TO NEGOTIATE

REF: LIMA 6423

1. AMERICAN DESK OFFICER AT FOREIGN MINISTRY (JAIME ALVAREZ CALDERON) ASKED A/DCM TO CALL AT MINISTRY AND HANDED HIM GOP'S NOTE IN RESPONSE TO EMBASSY'S NOTE ON MARCONA EXPROPRIATION (STATE 182371). UNOFFICIAL TRANSLATION OF MINISTRY'S NOTE SENT REFTEL. A/DCM SAID HE THOUGHT NOTE WAS CERTAINLY STEP IN RIGHT DIRECTION BUT THAT HE WAS STILL CONCERNED OVER WHAT ASSETS WOULD BE SUBJECT OF NEGOTIATIONS LOOKING TOWARD COMPENSATION HE REMINDED ALVAREZ CALDERON OF HIS QUESTION TO SECRETARY GENERAL GARCIA BEDOYA TWO WEEKS AGO AS TO THE INTERPRETATION OF ARTICLE 8 OF EXPROPRIATING DECREE AND SAID THAT LOCAL MARCONA LAWYER'S VIEW IS THAT WORDING CAN BE INTERPRETED TO MEAN THAT GOP CAN TAKE GREAT MAJORITY OF ASSETS WITHOUT COMPENSATION ON GROUNDS THAT MARCONA DID NOT LIVE UP TO ITS CONTRACTUAL OBLIGATIONS (LIMA 6129).

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2. ALVAREZ CALDERON (WHO IS A LAWYER) SAID THAT THIS WAS

NOT HIS INTERPRETATION AT ALL. HE SAID HE THOUGHT THAT WORDS OF ARTICLE 8 TO EFFECT THAT "HIERRO PERU..HEREBY RECEIVES, FREE OF PAYMENT, THE INSTALLATIONS AT SAN NICOLAS" MEANT MERELY THAT CUSTOMARY TRANSFER TAX LEVIED ON PROPERTY WHEN IT CHANGES HANDS WOULD NOT BE CHARGED. ALVAREZ CALDERON PROMISED TO CHECK THIS POINT SPECIFICALLY.

3. ALVAREZ CALDERON AND A/DCM AGREED THAT NEXT STEP WOULD BE TO ARRANGE MEETING BETWEEN MARCONA AND GOP REPRESENTATIVES PROMPTLY. A/DCM SAID THAT COMPTON WOULD BE RETURNING TO LIMA OVER WEEKEND AND WOULD BE AVAILABLE FOR DISCUSSIONS BEGINNING MONDAY MORNING.

4. AMBASSADOR SUBSEQUENTLY TELEPHONED GARCIA BEDOYA, WHO HAD CALLED EARLIER TO TELL AMBASSADOR THAT NOTE COULD BE PICKED UP AND TO SUGGEST THAT AMBASSADOR CALL AS SOON AS HE HAD CHANCE TO READ IT. AMBASSADOR SAID HE WAS PLEASED WITH GOP RESPONSE AND THAT NEXT QUESTION WAS WHEN, HOW, AND WITH WHOM MARCON COULD EXPECT TO BEGIN CONVERSATIONS. GARCIA BEDOYA SUGGESTED A DATE TOWARD THE MIDDLE OR END OF NEXT WEEK, PERHAPS AUGUST 14 OR 15, WHICH WOULD AFFORD SUFFICIENT TIME TO ASSEMBLE GOP TEAM. OFFHAND HE THOUGHT REPRESENTATIVES OF HIERRO PERU, MINEROPERU AND THE MINISTRY OF COMMERCE MIGHT BE INVOLVED, BUT HE WOULD UNDERTAKE TO FIND OUT SPECIFICALLY. AMBASSADOR EXPRESSED APPRECIATION BUT POINTED OUT THERE IS A NEED TO GET UNDER WAY AS PROMPTLY AS POSSIBLE AS EVERY DAY OF DELAY AFFORDS MORE TIME FOR UNPLEASANT DEVELOPMENT WHICH COULD COMPLICATE RESOLUTION OF PRINCIPAL PROBLEM.

5. EMBASSY HAS INFORMED COMPTON, WHO TELEPHONED THIS AFTER-NOON. HE SAID HE WOULD PLAN TO ARRIVE IN LIMA AS SCHEDULED WITH THE EXPECTATION OF CALLING OTHERS TO JOIN HIM AS THE COMPOSITION OF THE GOP TEAM AND THE PARAMETERS OF THE DISCUSSIONS BECAME CLEARER.

6. COMMENT: WE THINK TONE OF NOTE IF FORTHCOMING AND ARE ENCOURAGED BY THE ATTITUDE AND COMMENTS OF FOREIGN MINISTRY OFFICIALS.

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